HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE G. BHAVANI PRASAD

W.P. No.911 of 2005

Between:

K. Mallesh Kumar
… Petitioner.

and

The Government of Andhra Pradesh,
represented by its Principal Secretary,
Revenue (UL.II) Department Secretariat,
Hyderabad and others.
…
Respondents.

:JUDGMENT:

Counsel for the petitioner : Sri A. Prabhakar Rao.

Counsel for the respondent : Government Pleader for Revenue

10th July, 2006

Per G.S. Singhvi, CJ

This is a petition for grant of a declaration that the action of the respondents in seeking to take possession of the excess land of the petitioner determined under the Urban Land (Ceiling and Regulation) Act, 1976 is illegal and arbitrary and contrary to the policy of the Government contained in G.O.Ms.No.733 Revenue (UC.II) Department dated 31.10.1988 and G.O.Ms.No.209, M.A., Housing, Municipal Administration and Urban Development (I-I) Department dated 1.6.1989. Another prayer made in the writ petition is to extend the policy contained in the above two G.Os. to the petitioners.

Learned counsel for the petitioner says that he has been instructed by his client to withdraw the writ petition with liberty to avail alternative remedy of appeal.

Learned Government Pleader for Revenue says that he does not have any objection.

In view of the above, the request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

However, it is made clear that if the petitioner prefers appeal or avail other legal remedy, the respondents shall be free to raise all legally permissible objections to oppose the maintainability of the appeal etc. and also to contest the same on merits.

As a sequel to dismissal of the writ petition, interim order dated 17.1.2006 passed in W.P.M.P.No.1064 of 2006 stands automatically vacated and W.P.M.P. is dismissed.

G.S. SINGHVI, CJ

10th July, 2006 **G. BHAVANI PRASAD, J**

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